

COUNSEL LISTED ON SIGNATURE BLOCK

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**In Re CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

No.: M-07-5944 SC

MDL NO. 1917

This Document Relates to:

**ALL INDIRECT PURCHASER
ACTIONS**

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING AND ADOPTING
SPECIAL MASTER'S REPORT,
RECOMMENDATIONS AND
TENTATIVE RULINGS REGARDING
DEFENDANTS' JOINT MOTION TO
DISMISS THE SECOND
CONSOLIDATED AMENDED
COMPLAINT OF THE INDIRECT
PURCHASER PLAINTIFFS**

WHEREAS on September 30, 2010, Special Master Charles A. Legge issued and filed via ECF his Report, Recommendations And Tentative Rulings Regarding Defendants' Joint Motion To Dismiss The Second Consolidated Amended Complaint of the Indirect Purchaser Plaintiffs (Docket No. 768) (the "Report");

WHEREAS on October 7, 2010, Defendants filed a Motion to Adopt the Special Master's Report in full (Docket No. 780);

WHEREAS by letter dated October 8, 2010, the Indirect Purchaser Plaintiffs ("Plaintiffs") asked the Special Master to clarify certain recommendations and tentative rulings in the Report;

1 WHEREAS on October 15, 2010, the Court entered an Order extending the time
2 for the parties to file objections to the Special Master's Report, to allow time for the Special
3 Master to respond to Plaintiffs' request for clarification of the Report;

4 WHEREAS the parties have met and conferred, and, in consultation with the
5 Special Master, reached a resolution concerning further action on the Special Master's Report;

6 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the
7 undersigned defendants and plaintiffs, that:

8 1. The parties agree that the Special Master's Report shall be modified at
9 page 15, lines 6-7, to provide that the allegations of the Second Consolidated Amended
10 Complaint under the law of the states of Illinois and Maine shall be dismissed with prejudice,
11 provided that Plaintiffs may file a Third Consolidated Amended Complaint naming plaintiffs in
12 those states claiming injury under Illinois or Maine law, as applicable.

13 2. Except as so modified pursuant to Paragraph 1 above, the Special
14 Master's Report shall be adopted in full as the Order of this Court, and no party shall file
15 objections to or further motions to adopt or modify the Special Master's Report. Defendants'
16 Motion to Adopt the Special Master's Report is denied as moot.

17 3. By agreeing to this Stipulation and the adoption of the Special Master's
18 Report as modified, Defendants have not waived their rights to assert arguments with respect to
19 the relation back of any future claims filed by Plaintiffs under Illinois or Maine law, even
20 though the Special Master's Report denied those challenges as moot.

21 4. In addition, by agreeing to this Stipulation and the adoption of the
22 Special Master's Report as modified, no party has waived its appellate rights with respect to
23 any argument presented to the Special Master concerning the Second Consolidated Amended
24 Complaint.

25 5. Plaintiffs shall have 45 days from the entry of this Order to file a Third
26 Consolidated Amended Complaint. The only amendments allowed in the Third Consolidated
27 Amended Complaint shall be:

- 28 a. Amendments naming plaintiffs in Illinois or Maine claiming injury under
Illinois or Maine law;
b. Amendments adding or dropping named plaintiffs with respect to claims and
states already at issue (i.e., no new claims or states); and
c. Amendments to conform to the Special Master's Report and this Order.

IT IS SO STIPULATED.

Dated: October 25, 2010

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Tianjin Samsung SDI Co., Ltd.,
And On Behalf of All Other Defendants*

Pursuant to General Order, § X-B, the filer attests that concurrence in the filing
of this document has been obtained from the above signatories.

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2 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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4 DATED: October 26, 2010

Charles A. Legge

Hon. Charles A. Legge
United States District Judge (Ret.)
Special Master

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9 DATED: October 27, 2010

Samuel Conti

Hon. Samuel Conti
United States District Judge